

REMARKS

Applicant replies to the final Office Action dated December 8, 2009, within two months. The Examiner rejects all pending claims 1-25. Support for the amended claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amended claims. Applicant asserts that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 101

The Examiner rejects claims 1-8 and 22-25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees with the rejection; however, Applicant amends certain claims without prejudice or disclaimer to expedite prosecution. In particular, Applicant more clearly indicates that the claimed method is tied to specific machinery by including “a computer for facilitating management of a transaction account” in the claims. Accordingly, Applicant respectfully requested withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects 1, 3, 5-14, and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Weichert (U.S. Patent Application Publication No. 2004/0117302) in view of Topping (U.S. Patent Application Publication No. 2004/0151353), and further in view of Hirka (U.S. Patent Application Publication No. 2003/0061157). The Examiner also rejects claims 2, 4, 15, and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Weichert in view of Topping and Hirka, and further in view of Blagg (U.S. Patent Application Publication No. 2004/0049452). Applicant respectfully disagrees with the Examiner's rejection; however, Applicant amends certain pending claims without prejudice or disclaimer to expedite prosecution and to clarify the patentable features of the claims.

Weichert teaches a method for making payments to a payee using a payment account. Information on a number of payment accounts is retrieved, and a user is presented with a list of the payment accounts from which to choose for completing a transaction. One of the payment accounts is suggested to the user based on inadequacy of an initially selected payment account (e.g., insufficient funds). The transaction is completed using the suggested account. Although Weichert discloses determining whether a transaction amount lies within an upper limit (e.g., a credit limit or an account balance) of an account (see Weichert, Fig. 12B and paragraph [0099]), Weichert does not disclose or contemplate determining whether the transaction amount lies within one of multiple

non-overlapping ranges of amounts (i.e., each including a lower limit and an upper limit) and allocating the transaction amount accordingly. Moreover, Weichert does not disclose or contemplate using one of the plurality of accounts by default (i.e., if no other account was selected). Further, Weichert is completely silent regarding the selection of a particular authorizer based on the account being used.

Topping teaches the linking of biometric indicators to specific functions on a computer or remote control. Hirka teaches the imposition of merchant and customer rules to determine which account is to be charged. As such, Topping and Hirka do not cure the deficiencies of Weichert.

Applicant asserts that none of the cited references alone, or in combination disclose or contemplate at least “a common transaction account associated with a common account identifier, wherein said common transaction account is associated with a first transaction account and a second transaction account, and wherein said first transaction account is associated with a first account identifier and a first authorizer and said second transaction account is associated with said second account identifier and a second authorizer” or “communicating, by said computer, an authorization request to at least one of said first authorizer and said second authorizer in response to said computer determining said transaction is processed by at least one of said first transaction account and said second transaction account,” as similarly set forth in independent claims 1, 9, and 22.

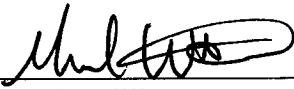
Further, Weichert and Hirka each teach away from providing a common account number used by a consumer. Specifically, Weichert teaches that a user selects an account to be charged. Hirka teaches that merchants impose rules and preferences on the user. In contrast, the presently claimed invention recites that the computer provides “the common account identifier” and not the first or second account identifier to the merchant.

Furthermore, claims 2-8, 10-21 and 23-25 variously depend from independent claims 1, 9, and 22. As such, Applicant assert that claims 2-8, 10-21 and 23-25 are differentiated from the cited references for the same reasons as set forth above, in addition to their own novel features. Thus, Applicant respectfully request allowance of all claims 1-25.

Applicant respectfully submits that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. If an extension of time is necessary, please accept this as a petition therefore. Applicant invites the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: 27 January 2010

By: 
Mark Williams
Reg. No. 64,425

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com